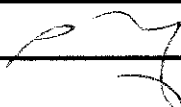
	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.			DATE OF AWARD 03/30/2011
			PRG	DOC ID	AMEND#	
			V	98568704	- 4	
			TYPE OF ACTION No Cost Amendment			MAILING DATE 03/30/2011
PAYMENT METHOD: ASAP			ACH# 50282			
RECIPIENT TYPE: State			Send Payment Request to: Las Vegas Finance Center			
RECIPIENT: Ohio Environmental Protection Agency 50 W. Town St. P.O. Box 1049 Columbus, OH 43216-1049 EIN: 31-1334820			PAYEE: Ohio Environmental Protection Agency 50 W. Town St. P.O. Box 1049 Columbus, OH 43216-1049			
PROJECT MANAGER Tiffani Kavalec 50 W. Town St. P.O. Box 1049 Columbus, OH 43216-1049 E-Mail: Tiffani.Kavalec@epa.state.oh.us Phone: 614-644-3538		EPA PROJECT OFFICER Glynis Landers 77 West Jackson Blvd., SM-7J Chicago, IL 60604-3507 E-Mail: Landers.Glynis@epa.gov Phone: 312-886-1816		EPA GRANT SPECIALIST Donna Stingley Assistance Section, MC-10J E-Mail: Stingley.Donna@epa.gov Phone: 312-353-1677		
PROJECT TITLE AND EXPLANATION OF CHANGES Superfund Remedial support Cooperative Agreement Time Extension (Amendment); The Ohio Environmental Protection Agency (EPA) will to continue to work on Management Assistance activities through 4/30/2011. These activities include Remedial investigations/Feasibility Studies, Remedial Designs/Remedial Actions, Operations & Maintenance Oversight and Five Year Reviews. This action provides a 30 day no cost extension to the project period. The recipient will continue working on Management Assistance activities at sites.						
BUDGET PERIOD 04/01/2009 - 04/30/2011		PROJECT PERIOD 04/01/2009 - 04/30/2011		TOTAL BUDGET PERIOD COST \$510,252.00		TOTAL PROJECT PERIOD COST \$510,252.00
NOTICE OF AWARD Based on your application dated 03/16/2011, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$510,252. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)				AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA Region 5 Mail Code MCG10J 77 West Jackson Blvd. Chicago, IL 60604-3507				ORGANIZATION / ADDRESS U.S. EPA, Region 5 Superfund Division, S-6J 77 West Jackson Blvd. Chicago, IL 60604-3507		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Sharon Green, Chief, Assistance Section			DATE 03/30/2011	
AFFIRMATION OF AWARD BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE 		TYPED NAME AND TITLE Scott J. Nally, Director			DATE 4/13/11	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 510,252	\$	\$ 510,252
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 510,252	\$ 0	\$ 510,252

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

[illegible]

Budget Summary Page: Budget Breakdown

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$321,618
2. Fringe Benefits	\$102,275
3. Travel	\$13,000
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$1,764
7. Construction	\$0
8. Other	\$581
9. Total Direct Charges	\$439,238
10. Indirect Costs: % Base See Table B	\$71,014
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$510,252
12. Total Approved Assistance Amount	\$510,252
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$510,252

Summary of Indirect Cost Rates

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. 17.64% Salary & Fringe—Valid 7/1/08-6/30/09	\$
2. 15.67% Salary & Fringe—Valid 7/1/09-6/30/10	\$
3. 15.67% Salary & Fringe—Valid 7/1/10-6/30/11	\$
4.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

Administrative Conditions

The Following Administrative Terms and Conditions have been Updated:

1. CONSULTANT CAP

Payment to consultants. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2011, the limit is \$596.00 per day and \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provided the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b).

13. SINGLE AUDIT ANNUAL REPORTING REQUIREMENT

In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor, if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit the SF-SAC and a Single Audit Report Package. **The recipient MUST** submit the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. For complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>

18. UNLIQUIDATED OBLIGATIONS - INTERIM FFR - PART 31 RECIPIENTS

Submission of interim Federal Financial Reports

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the end of the reporting quarter.

The following reporting period end dates shall be used for interim reports: 4/30.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/financeservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

19. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority

and Women's Business Enterprises in procurement under assistance agreements, contained in 40 CFR, Part 33.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE (MBE/WBE) participation in procurement under the financial assistance agreements.

Accepting the Fair Share Objectives/Goals of Another Recipient

The dollar amount of this assistance agreement is \$250,000, or more; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the Ohio Environmental Protection Agency as follows:

MBE		WBE	
Construction	2.0%	Construction	1.3%
Supplies	0.6%	Supplies	0.5%
Services	0.6%	Services	0.5%
Equipment	0.6%	Equipment	0.5%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as the Wisconsin Department of Natural Resources.

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting

solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** The reports must be submitted **semiannually** for the periods ending March 31st and September 30th for:

Recipients of financial assistance agreements that capitalize revolving loan programs (CWSRF, DWSRF, Brownfields); and

All other recipients not identified as annual reporters (40 CFR Part 30 and 40 CFR Part 35, Subpart A and Subpart B recipients are annual reporters).

The reports are due within 30 days of the end of the semiannual reporting periods (April 30th and October 30th). Reports should be sent to

**Adrianne M. Callahan, Region 5 MBE/WBE Coordinator
US EPA--Acquisition and Assistance Branch
77 West Jackson Boulevard, MC-10J
Chicago, IL 60604**

Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at www.epa.gov/osbp.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

The Following Administrative Term and Condition is no longer applicable:

9. INDIRECT COST

All Other Administrative Terms and Conditions remain the same.

Programmatic Conditions

The following Programmatic Term and Condition has been added:

4. Substantial Federal Involvement for Cooperative Agreements

EPA will provide substantial involvement in the form of technical assistance, development of outputs, and oversight. Specifically, substantial federal involvement will take the form of monitoring the project by EPA; participation and collaboration between EPA and the recipient in program content; review of project progress, and quantification and reporting of results.

All Other Programmatic Terms and Conditions remain the same.



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 14, 2011

Michelle Becker
U.S. EPA Region 5
Assistance Section
77 West Jackson Boulevard, MC-10J
Chicago, Illinois 60604

RE: Ohio's Time Extension for Assistance V-98568704-4

Dear Ms. Becker,

The Division of Emergency and Remedial Response (DERR) of the Ohio Environmental Protection Agency (Ohio EPA) is pleased to accept this one month time extension for Ohio's Remedial Support Cooperative Agreement. This funding will support Ohio EPA for Remedial Support activities through April 30, 2011.

We look forward to continuing our partnership with you and your staff on this year's projects. If you have any questions, please contact Tiffani Kavalec at 614-644-3538 for technical issues or Vickie Stevens-Pease at 614-644-2294 for grant related issues.

Sincerely,


Scott J. Nally
Director, Ohio EPA

cc: Tiffani Kavalec, Manager, DERR
James Beaton, Fiscal
Vickie Stevens-Pease, Grant Files

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ACQUISITION & ASSISTANCE
BRANCH



U. S. ENVIRONMENTAL PROTECTION AGENCY ASSISTANCE AGREEMENT NOTICE

RECIPIENT NAME AND ADDRESS:

Tiffani Kavalec
Ohio Environmental Protection
P.O. Box 1049
Columbus, OH 43216-1049

Assistance #: V-98568704-4

☐ Notice of Award/Assistance Agreement

☒ Assistance Amendment

☐ Increase

☐ Decrease

☒ Time Extension

☐ Administrative Changes

Enclosed are two copies of an Assistance Agreement from the U.S. Environmental Protection Agency.

To provide your affirmation of this award, please carefully review the entire document, terms and conditions, and any applicable regulations. Please sign¹ and date the Affirmation of Award section on the first page and return one original copy to the following address within 21 days² of your receipt of the Assistance Agreement:

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5
ASSISTANCE SECTION
77 WEST JACKSON BOULEVARD, MC-10J
CHICAGO, ILLINOIS 60604

ATTN: Michelle Becker, EPA Grant
Specialist

The other original should be retained for your official records and copies distributed within your organization as needed. Please note that funds will not be available for drawdown until we receive your countersigned affirmation of this award. If the Notice of Award includes any terms and conditions requiring signed certifications or assurances, you must return them with the signed agreement.

Please reference the EPA Assistance Number on all future correspondence regarding this Assistance Agreement. If you have any questions, you may contact the Project Officer (programmatic concerns) or the Grant Specialist (administrative concerns), as identified on page one of the Assistance Agreement.

¹ MUST be signed by the authorized representative as shown on the Assistance Agreement signature block or by a formally authorized delegate.

² Failure to countersign and return within (21) days of receipt may result in withdrawal of this agreement.

U.S. Environmental Protection Agency
Region 5
Assistance Section